

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

STEVEN A. GREEN,

Plaintiff,

v.

STEVEN T. CHVALA, *et al.*,

Defendants.

ORDER

12-cv-761-wmc

State inmate Steven Green filed this civil action pursuant to 42 U.S.C. § 1983, alleging that excessive force was used during his arrest. Green was found eligible to proceed without prepayment of the filing fee under the federal *in forma pauperis* statute and he made an initial partial payment of that fee as required by the Prison Litigation Reform Act ("PLRA"), 28 U.S.C. § 1915(b). In a judgment entered on October 11, 2013, the court denied Green's request for leave to proceed further and dismissed this case for failure to state a claim upon which relief could be granted. On November 15, 2013, the court received a notice of appeal from Green. (Dkt. # 11). That notice of appeal is dated the "8th day of October, 2013," and the envelope is post-marked November 13, 2013. (*Id.*).

Because Green has not paid the \$455 docketing fee for filing an appeal, the court presumes that he requests leave to proceed without prepayment of that fee. However, Green has not provided financial information as required by 28 U.S.C. § 1915(a)(2), which requires every prisoner who files an appeal in *forma pauperis* demonstrating that he is currently eligible for indigent status. Accordingly, the court will deny Green leave to proceed *in forma pauperis* on appeal at this time.

To proceed, Green must file a properly supported motion for leave to proceed without prepayment of the appellate filing fee in compliance with 28 U.S.C. § 1915(a), together with a certified copy of his inmate trust fund account statement (or institutional equivalent) for the preceding six months, within twenty days of the date of this order.

ORDER

IT IS ORDERED that:

1. The request by plaintiff Steven A. Green for leave to proceed *in forma pauperis* on appeal is DENIED at this time.
2. For his appeal to proceed, Green must file a properly supported motion for leave to proceed without prepayment of the appellate filing fee in compliance with 28 U.S.C. § 1915(a)(2), together with a certified copy of his inmate trust fund account statement (or institutional equivalent) for the preceding six months, within **twenty (20) days** of the date of this order. Green is advised that if he does not comply as directed, the clerk of court will alert the Seventh Circuit, which may result in the dismissal of his appeal.

Entered this 11th day of December, 2013.

BY THE COURT:


PETER OPPENEER
Magistrate Judge